

AMENDED IN SENATE MARCH 30, 2016

**SENATE BILL**

**No. 1037**

---

**Introduced by Senator Allen**

February 12, 2016

---

An act to ~~add Section 648 to the Evidence Code, to~~ amend Section 5343.5 of the Food and Agricultural Code, *and* to amend Sections 803, 11106, 23635, 23690, 25560, 26405, 26825, 26880, 26885, 27520, 27570, 27590, ~~28000~~, 28160, 28200, 31700, and 32110 of, to add Article 3.5 (commencing with Section 28270) to Chapter 6 of Division 6 of Title 4 of Part 6 of, and to repeal and add Section 26379 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 1037, as amended, Allen. Return of firearms: special procedures.

~~Existing law establishes various presumptions pertaining to the burden of producing evidence under various circumstances.~~

~~This bill would establish a presumption that a person who is listed in the registry that records firearm ownership maintained by the Department of Justice or who is listed in the Consolidated Firearms Information System, as the owner of a firearm, an assault weapon, or a .50 BMG rifle, is in possession of that firearm until the department is notified to the contrary.~~

Existing law requires the ~~director~~ *Secretary* of the Department of Food and Agriculture to maintain quarantine inspection stations. Existing law requires that a sign be conspicuously posted at any inspection station maintained at or near the California border stating that the ~~Federal~~ *federal* Gun Control Act of 1968 may prohibit persons from bringing firearms into the state that were acquired outside of the state.

The bill would require that these inspection station signs also state that California law may prohibit a person from bringing a firearm into the state that was acquired outside of the state.

*Existing law prescribes the statute of limitations for filing various criminal complaints.*

*This bill would provide that, notwithstanding any other statute of limitation for filing a criminal complaint, the limitation of time would not commence until one year after discovery of the violation for specified offense involving the transfer of firearms, including, among others, violating prohibitions against transferring a firearm to a person who is prohibited from possessing a firearm, transferring a firearm to a minor or a handgun to a person under 21 years of age, and failing to complete a firearm transfer through a firearms dealer as required.*

Existing law generally regulates the sale and transfer of firearms. Existing law requires a firearms transaction conducted by a firearms dealer to include, among other things, a background check of the purchaser, and certain personal information about the purchaser to be submitted to the department. Existing law requires a firearm transfer between 2 persons, neither of whom are a firearms dealer, to be conducted through a dealer. Similarly, existing law requires a person who imports or transports a firearm into this state that was obtained outside of the state to have the firearm delivered to a dealer for delivery to that person.

This bill would provide a return process for firearms obtained under the circumstances described above and in violation of the requirement that a firearms dealer conduct the transfer. The bill would require the owner of the firearm to deliver the firearm to a firearms dealer, who would report taking possession of the firearm to the department, and would require the firearm to be returned to the prior owner after a background check and other requirements that apply to a firearms transaction conducted by a dealer have been met. A violation of these provisions by a dealer would be a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program.

The bill would make conforming changes to other provisions of law relating to records of firearms transactions kept by the department and a firearms dealer. The bill would, for firearms complying with those return provisions, make conforming changes to other provisions of law that provide exceptions from various prohibitions, including, among others, exceptions to the prohibition against carrying a concealed firearm, to the prohibition against openly carrying a firearm, and to

carrying a firearm that is not a handgun in public. The bill would, for firearms returned pursuant to the return provisions, also make exceptions to other provisions of law requiring firearm safety devices, firearm safety certificates, and regulating unsafe handguns.

*Existing law makes it a crime for a person, corporation, or firm to sell, loan, or transfer a firearm to a minor or sell a handgun to an individual under 21 years of age. Existing law makes it a crime for a firearms dealer to supply, deliver, or give possession or control of a handgun to any person under 21 years of age, or any other firearm to a person under 18 years of age. Existing law makes these crimes punishable as a misdemeanor, except that in the case of a handgun the crimes are punishable as a misdemeanor or a felony, as specified.*

*This bill would make these crimes punishable as a misdemeanor or felony, as specified, in the case of a centerfire semiautomatic rifle.*

*Existing law, subject to exceptions, requires a firearms dealer to comply with certain requirements when delivering a firearm to a person, including, among others, that the firearm is not delivered within 10 days of the application to purchase and is not delivered to a person that the Department of Justice has notified the dealer is prohibited from receiving a firearm. Existing law makes a violation of these provisions a misdemeanor, except that in the case of a handgun the violation is a misdemeanor or a felony, as specified.*

*This bill would make a violation of those provisions, in the case of a centerfire semiautomatic rifle, punishable as a misdemeanor or a felony, as specified.*

*By creating new crimes, this bill would impose a state-mandated local program.*

Existing law requires reports of ownership be filed within certain grace periods for firearms brought or imported into the state by a personal firearms importer or licensed collector. Existing law makes a violation of these provisions a misdemeanor. ~~Existing law provides that failure to submit those reports within the grace period is not a continuing offense.~~

~~This bill would provide that those violations committed on or after January 1, 2017, would be a continuing offense. The bill would make a violation of those provisions, in the case of a handgun, punishable as a misdemeanor or a felony.~~

By increasing the penalty for an existing offense, this bill would impose a state-mandated local program.

The bill would provide that the violations of failing to process a firearms transaction through a dealer when neither party to the transaction is a dealer, and of importing a firearm without it going to a dealer for delivery to the importer would ~~be a continuing offense if committed on or after January 1, 2017. The bill would also provide that those violations would~~ not apply if the only evidence of the violation arises because of information supplied to the Department of Justice in connection with the return process described above.

Existing law prohibits a person, corporation, or dealer from acquiring a firearm for the purpose of selling, loaning, or transferring the firearm if the dealer has the intent to transfer the firearm to a minor or to evade specified requirements on the transfer of firearms, or in the case of a person, if the person intends to violate the requirement that the transaction be conducted through a licensed firearms dealer. A violation of these provisions is punishable as a misdemeanor or a felony.

This bill would similarly prohibit a person, corporation, or dealer from transporting a firearm or bringing a firearm into this state for the purpose of selling, loaning, or transferring the firearm with the intent specified above. By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1    ~~SECTION 1. Section 648 is added to the Evidence Code, to~~
- 2    ~~read:~~
- 3    ~~648. A person who is listed in the registry maintained by the~~
- 4    ~~Department of Justice pursuant to Section 11106 of the Penal Code,~~
- 5    ~~or who is listed in the Consolidated Firearms Information System,~~
- 6    ~~as the owner of a firearm, an assault weapon, or a .50 BMG rifle~~
- 7    ~~is presumed to be in possession of that firearm until the department~~
- 8    ~~is notified to the contrary pursuant to procedures adopted by the~~
- 9    ~~department pursuant to Section 28000 of the Penal Code.~~

~~SEC. 2.~~

*SECTION 1.* Section 5343.5 of the Food and Agricultural Code is amended to read:

5343.5. At any inspection station maintained at or near the California border by the director pursuant to Section 5341, the following sign shall be conspicuously posted in block letters not less than four inches in height:

“NOTICE: IF YOU ARE A CALIFORNIA RESIDENT, CALIFORNIA LAW AND THE FEDERAL GUN CONTROL ACT MAY PROHIBIT YOU FROM BRINGING WITH YOU INTO THIS STATE FIREARMS THAT YOU ACQUIRED OUTSIDE OF THIS STATE.

IN ADDITION, IF YOU ARE A NEW CALIFORNIA RESIDENT, STATE LAW REGULATES YOUR BRINGING INTO CALIFORNIA HANDGUNS AND OTHER DESIGNATED FIREARMS AND MANDATES THAT SPECIFIC PROCEDURES BE FOLLOWED.

IF YOU HAVE ANY QUESTIONS ABOUT THE PROCEDURES TO BE FOLLOWED IN BRINGING FIREARMS INTO CALIFORNIA OR TRANSFERRING FIREARMS WITHIN CALIFORNIA, YOU SHOULD CONTACT THE CALIFORNIA DEPARTMENT OF JUSTICE OR A LOCAL CALIFORNIA LAW ENFORCEMENT AGENCY.”

*SEC. 2. Section 803 of the Penal Code is amended to read:*

803. (a) Except as provided in this section, a limitation of time prescribed in this chapter is not tolled or extended for any reason.

(b) No time during which prosecution of the same person for the same conduct is pending in a court of this state is a part of a limitation of time prescribed in this chapter.

(c) A limitation of time prescribed in this chapter does not commence to run until the discovery of an offense described in this subdivision. This subdivision applies to an offense punishable by imprisonment in the state prison or imprisonment pursuant to subdivision (h) of Section 1170, a material element of which is fraud or breach of a fiduciary obligation, the commission of the crimes of theft or embezzlement upon an elder or dependent adult, or the basis of which is misconduct in office by a public officer,

1 employee, or appointee, including, but not limited to, the following  
2 offenses:

3 (1) Grand theft of any type, forgery, falsification of public  
4 records, or acceptance of, or asking, receiving, or agreeing to  
5 receive, a bribe, by a public official or a public employee,  
6 including, but not limited to, a violation of Section 68, 86, or 93.

7 (2) A violation of Section 72, 118, 118a, 132, 134, or 186.10.

8 (3) A violation of Section 25540, of any type, or Section 25541  
9 of the Corporations Code.

10 (4) A violation of Section 1090 or 27443 of the Government  
11 Code.

12 (5) Felony welfare fraud or Medi-Cal fraud in violation of  
13 Section 11483 or 14107 of the Welfare and Institutions Code.

14 (6) Felony insurance fraud in violation of Section 548 or 550  
15 of this code or former Section 1871.1, or Section 1871.4, of the  
16 Insurance Code.

17 (7) A violation of Section 580, 581, 582, 583, or 584 of the  
18 Business and Professions Code.

19 (8) A violation of Section 22430 of the Business and Professions  
20 Code.

21 (9) A violation of Section 103800 of the Health and Safety  
22 Code.

23 (10) A violation of Section 529a.

24 (11) A violation of subdivision (d) or (e) of Section 368.

25 (d) If the defendant is out of the state when or after the offense  
26 is committed, the prosecution may be commenced as provided in  
27 Section 804 within the limitations of time prescribed by this  
28 chapter, and no time up to a maximum of three years during which  
29 the defendant is not within the state shall be a part of those  
30 limitations.

31 (e) A limitation of time prescribed in this chapter does not  
32 commence to run until the offense has been discovered, or could  
33 have reasonably been discovered, with regard to offenses under  
34 Division 7 (commencing with Section 13000) of the Water Code,  
35 under Chapter 6.5 (commencing with Section 25100) of, Chapter  
36 6.7 (commencing with Section 25280) of, or Chapter 6.8  
37 (commencing with Section 25300) of, Division 20 of, or Part 4  
38 (commencing with Section 41500) of Division 26 of, the Health  
39 and Safety Code, or under Section 386, or offenses under Chapter  
40 5 (commencing with Section 2000) of Division 2 of, Chapter 9

(commencing with Section 4000) of Division 2 of, Section 6126 of, Chapter 10 (commencing with Section 7301) of Division 3 of, or Chapter 19.5 (commencing with Section 22440) of Division 8 of, the Business and Professions Code.

(f) (1) Notwithstanding any other limitation of time described in this chapter, a criminal complaint may be filed within one year of the date of a report to a California law enforcement agency by a person of any age alleging that he or she, while under 18 years of age, was the victim of a crime described in Section 261, 286, 288, 288a, 288.5, or 289, or Section 289.5, as enacted by Chapter 293 of the Statutes of 1991 relating to penetration by an unknown object.

(2) This subdivision applies only if all of the following occur:

(A) The limitation period specified in Section 800, 801, or 801.1, whichever is later, has expired.

(B) The crime involved substantial sexual conduct, as described in subdivision (b) of Section 1203.066, excluding masturbation that is not mutual.

(C) There is independent evidence that corroborates the victim's allegation. If the victim was 21 years of age or older at the time of the report, the independent evidence shall clearly and convincingly corroborate the victim's allegation.

(3) No evidence may be used to corroborate the victim's allegation that otherwise would be inadmissible during trial. Independent evidence does not include the opinions of mental health professionals.

(4) (A) In a criminal investigation involving any of the crimes listed in paragraph (1) committed against a child, when the applicable limitations period has not expired, that period shall be tolled from the time a party initiates litigation challenging a grand jury subpoena until the end of the litigation, including any associated writ or appellate proceeding, or until the final disclosure of evidence to the investigating or prosecuting agency, if that disclosure is ordered pursuant to the subpoena after the litigation.

(B) Nothing in this subdivision affects the definition or applicability of any evidentiary privilege.

(C) This subdivision shall not apply if a court finds that the grand jury subpoena was issued or caused to be issued in bad faith.

(g) (1) Notwithstanding any other limitation of time described in this chapter, a criminal complaint may be filed within one year

1 of the date on which the identity of the suspect is conclusively  
2 established by DNA testing, if both of the following conditions  
3 are met:

4 (A) The crime is one that is described in subdivision (c) of  
5 Section 290.

6 (B) The offense was committed prior to January 1, 2001, and  
7 biological evidence collected in connection with the offense is  
8 analyzed for DNA type no later than January 1, 2004, or the offense  
9 was committed on or after January 1, 2001, and biological evidence  
10 collected in connection with the offense is analyzed for DNA type  
11 no later than two years from the date of the offense.

12 (2) For purposes of this section, “DNA” means deoxyribonucleic  
13 acid.

14 (h) For any crime, the proof of which depends substantially  
15 upon evidence that was seized under a warrant, but which is  
16 unavailable to the prosecuting authority under the procedures  
17 described in *People v. Superior Court (Laff)* (2001) 25 Cal.4th  
18 703, *People v. Superior Court (Bauman & Rose)* (1995) 37  
19 Cal.App.4th 1757, or subdivision (c) of Section 1524, relating to  
20 claims of evidentiary privilege or attorney work product, the  
21 limitation of time prescribed in this chapter shall be tolled from  
22 the time of the seizure until final disclosure of the evidence to the  
23 prosecuting authority. Nothing in this section otherwise affects  
24 the definition or applicability of any evidentiary privilege or  
25 attorney work product.

26 (i) Notwithstanding any other limitation of time described in  
27 this chapter, a criminal complaint may be filed within one year of  
28 the date on which a hidden recording is discovered related to a  
29 violation of paragraph (2) or (3) of subdivision (j) of Section 647.

30 (j) Notwithstanding any other limitation of time described in  
31 this chapter, if a person flees the scene of an accident that caused  
32 death or permanent, serious injury, as defined in subdivision (d)  
33 of Section 20001 of the Vehicle Code, a criminal complaint brought  
34 pursuant to paragraph (2) of subdivision (b) of Section 20001 of  
35 the Vehicle Code may be filed within the applicable time period  
36 described in Section 801 or 802 or one year after the person is  
37 initially identified by law enforcement as a suspect in the  
38 commission of the offense, whichever is later, but in no case later  
39 than six years after the commission of the offense.



(k) Notwithstanding any other limitation of time described in this chapter, if a person flees the scene of an accident, a criminal complaint brought pursuant to paragraph (1) or (2) of subdivision (c) of Section 192 may be filed within the applicable time period described in Section 801 or 802, or one year after the person is initially identified by law enforcement as a suspect in the commission of that offense, whichever is later, but in no case later than six years after the commission of the offense.

(l) A limitation of time prescribed in this chapter does not commence to run until the discovery of an offense involving the offering or giving of a bribe to a public official or public employee, including, but not limited to, a violation of Section 67, 67.5, 85, 92, or 165, or Section 35230 or 72530 of the Education Code.

(m) *A limitation of time prescribed in this chapter does not commence to run until one year from the discovery of a violation of Section 27500, 27505, 27510, 27515, 27520, 27545, 27560, 27565, 27585, subdivision (a), (c), (d), (e), or (f) of Section 27540, or the discovery of the supplying, selling, giving, or allowing possession or control of a firearm in violation of Section 8101 of the Welfare and Institutions Code.*

SEC. 3. Section 11106 of the Penal Code is amended to read:  
11106. (a) (1) In order to assist in the investigation of crime, the prosecution of civil actions by city attorneys pursuant to paragraph (3) of subdivision (b), the arrest and prosecution of criminals, and the recovery of lost, stolen, or found property, the Attorney General shall keep and properly file a complete record of all of the following:

(A) All copies of fingerprints.

(B) Copies of licenses to carry firearms issued pursuant to Section 26150, 26155, 26170, or 26215.

(C) Information reported to the Department of Justice pursuant to Section 26225, 27875, 27920, 27966, 28270, or 29830.

(D) Dealers' records of sales of firearms.

(E) Reports provided pursuant to Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or pursuant to any provision listed in subdivision (a) of Section 16585.

(F) Forms provided pursuant to Section 12084, as that section read prior to being repealed on January 1, 2006.

(G) Reports provided pursuant to Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800)

1 of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers’  
2 records of sales of firearms.

3 (H) Information provided pursuant to Section 28255.

4 (I) Reports of stolen, lost, found, pledged, or pawned property  
5 in any city or county of this state.

6 (2) The Attorney General shall, upon proper application therefor,  
7 furnish the information to the officers referred to in Section 11105.

8 (b) (1) The Attorney General shall permanently keep and  
9 properly file and maintain all information reported to the  
10 Department of Justice pursuant to the following provisions as to  
11 firearms and maintain a registry thereof:

12 (A) Article 1 (commencing with Section 26700) and Article 2  
13 (commencing with Section 26800) of Chapter 2 of Division 6 of  
14 Title 4 of Part 6.

15 (B) Article 1 (commencing with Section 27500) of Chapter 4  
16 of Division 6 of Title 4 of Part 6.

17 (C) Chapter 5 (commencing with Section 28050) of Division 6  
18 of Title 4 of Part 6.

19 (D) Any provision listed in subdivision (a) of Section 16585.

20 (E) Former Section 12084.

21 (F) Section 28255.

22 (G) Any other law.

23 (2) The registry shall consist of all of the following:

24 (A) The name, address, identification of, place of birth (state  
25 or country), complete telephone number, occupation, sex,  
26 description, and all legal names and aliases ever used by the owner  
27 or person being loaned the particular firearm as listed on the  
28 information provided to the department on the Dealers’ Record of  
29 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined  
30 in former Section 12084, or reports made to the department  
31 pursuant to any provision listed in subdivision (a) of Section 16585,  
32 Section 28255, or any other law.

33 (B) The name and address of, and other information about, any  
34 person (whether a dealer or a private party) from whom the owner  
35 acquired or the person being loaned the particular firearm and  
36 when the firearm was acquired or loaned as listed on the  
37 information provided to the department on the Dealers’ Record of  
38 Sale, the LEFT, or reports made to the department pursuant to any  
39 provision listed in subdivision (a) of Section 16585 or any other  
40 law.

1 (C) Any waiting period exemption applicable to the transaction  
2 which resulted in the owner of or the person being loaned the  
3 particular firearm acquiring or being loaned that firearm.

4 (D) The manufacturer's name if stamped on the firearm, model  
5 name or number if stamped on the firearm, and, if applicable, the  
6 serial number, other number (if more than one serial number is  
7 stamped on the firearm), caliber, type of firearm, if the firearm is  
8 new or used, barrel length, and color of the firearm, or, if the  
9 firearm is not a handgun and does not have a serial number or any  
10 identification number or mark assigned to it, that shall be noted.

11 (3) Information in the registry referred to in this subdivision  
12 shall, upon proper application therefor, be furnished to the officers  
13 referred to in Section 11105, to a city attorney prosecuting a civil  
14 action, solely for use in prosecuting that civil action and not for  
15 any other purpose, or to the person listed in the registry as the  
16 owner or person who is listed as being loaned the particular firearm.

17 (4) If any person is listed in the registry as the owner of a firearm  
18 through a Dealers' Record of Sale prior to 1979, and the person  
19 listed in the registry requests by letter that the Attorney General  
20 store and keep the record electronically, as well as in the record's  
21 existing photographic, photostatic, or nonerasable optically stored  
22 form, the Attorney General shall do so within three working days  
23 of receipt of the request. The Attorney General shall, in writing,  
24 and as soon as practicable, notify the person requesting electronic  
25 storage of the record that the request has been honored as required  
26 by this paragraph.

27 (c) (1) If the conditions specified in paragraph (2) are met, any  
28 officer referred to in paragraphs (1) to (6), inclusive, of subdivision  
29 (b) of Section 11105 may disseminate the name of the subject of  
30 the record, the number of the firearms listed in the record, and the  
31 description of any firearm, including the make, model, and caliber,  
32 from the record relating to any firearm's sale, transfer, registration,  
33 or license record, or any information reported to the Department  
34 of Justice pursuant to any of the following:

35 (A) Section 26225, 27875, 27920, or 28270.

36 (B) Article 1 (commencing with Section 26700) and Article 2  
37 (commencing with Section 26800) of Chapter 2 of Division 6 of  
38 Title 4 of Part 6.

39 (C) Article 1 (commencing with Section 27500) of Chapter 4  
40 of Division 6 of Title 4 of Part 6.

1 (D) Chapter 5 (commencing with Section 28050) of Division  
2 6 of Title 4 of Part 6.

3 (E) Article 2 (commencing with Section 28150) of Chapter 6  
4 of Division 6 of Title 4 of Part 6.

5 (F) Article 5 (commencing with Section 30900) of Chapter 2  
6 of Division 10 of Title 4 of Part 6.

7 (G) Chapter 2 (commencing with Section 33850) of Division  
8 11 of Title 4 of Part 6.

9 (H) Any provision listed in subdivision (a) of Section 16585.

10 (2) Information may be disseminated pursuant to paragraph (1)  
11 only if all of the following conditions are satisfied:

12 (A) The subject of the record has been arraigned for a crime in  
13 which the victim is a person described in subdivisions (a) to (f),  
14 inclusive, of Section 6211 of the Family Code and is being  
15 prosecuted or is serving a sentence for the crime, or the subject of  
16 the record is the subject of an emergency protective order, a  
17 temporary restraining order, or an order after hearing, which is in  
18 effect and has been issued by a family court under the Domestic  
19 Violence Protection Act set forth in Division 10 (commencing  
20 with Section 6200) of the Family Code.

21 (B) The information is disseminated only to the victim of the  
22 crime or to the person who has obtained the emergency protective  
23 order, the temporary restraining order, or the order after hearing  
24 issued by the family court.

25 (C) Whenever a law enforcement officer disseminates the  
26 information authorized by this subdivision, that officer or another  
27 officer assigned to the case shall immediately provide the victim  
28 of the crime with a “Victims of Domestic Violence” card, as  
29 specified in subparagraph (H) of paragraph (9) of subdivision (c)  
30 of Section 13701.

31 (3) The victim or person to whom information is disseminated  
32 pursuant to this subdivision may disclose it as he or she deems  
33 necessary to protect himself or herself or another person from  
34 bodily harm by the person who is the subject of the record.

35 SEC. 4. Section 23635 of the Penal Code is amended to read:

36 23635. (a) Any firearm sold or transferred in this state by a  
37 licensed firearms dealer, including a private transfer through a  
38 dealer, a firearm returned to its owner by a dealer pursuant to  
39 Section 28270, and any firearm manufactured in this state, shall  
40 include or be accompanied by a firearm safety device that is listed

1 on the Department of Justice’s roster of approved firearm safety  
2 devices and that is identified as appropriate for that firearm by  
3 reference to either the manufacturer and model of the firearm, or  
4 to the physical characteristics of the firearm that match those listed  
5 on the roster for use with the device.

6 (b) The sale or transfer of a firearm, or the return of a firearm  
7 to its owner pursuant to Section 28270, shall be exempt from  
8 subdivision (a) if both of the following apply:

9 (1) The purchaser, transferee, or owner owns a gun safe that  
10 meets the standards set forth in Section 23650. Gun safes shall not  
11 be required to be tested, and therefore may meet the standards  
12 without appearing on the Department of Justice roster.

13 (2) The purchaser, transferee, or owner presents an original  
14 receipt for purchase of the gun safe, or other proof of purchase or  
15 ownership of the gun safe as authorized by the Attorney General,  
16 to the firearms dealer. The dealer shall maintain a copy of this  
17 receipt or proof of purchase with the dealer’s record of sales of  
18 firearms.

19 (c) The sale or transfer of a firearm, or the return of a firearm  
20 to its owner pursuant to Section 28270, shall be exempt from  
21 subdivision (a) if all of the following apply:

22 (1) The purchaser, transferee, or owner purchases an approved  
23 safety device no more than 30 days prior to the day the purchaser  
24 or transferee takes possession of the firearm.

25 (2) The purchaser, transferee, or owner presents the approved  
26 safety device to the firearms dealer when picking up the firearm.

27 (3) The purchaser, transferee, or owner presents an original  
28 receipt to the firearms dealer, which shows the date of purchase,  
29 the name, and the model number of the safety device.

30 (4) The firearms dealer verifies that the requirements in  
31 paragraphs (1) to (3), inclusive, have been satisfied.

32 (5) The firearms dealer maintains a copy of the receipt along  
33 with the dealer’s record of sales of firearms.

34 (d) (1) Any long-gun safe commercially sold or transferred in  
35 this state, or manufactured in this state for sale in this state, that  
36 does not meet the standards for gun safes adopted pursuant to  
37 Section 23650 shall be accompanied by the following warning:

38  
39 “WARNING: This gun safe does not meet the safety standards  
40 for gun safes specified in California Penal Code Section 23650. It

1 does not satisfy the requirements of Penal Code Section 23635,  
2 which mandates that all firearms sold in California be accompanied  
3 by a firearm safety device or proof of ownership, as required by  
4 law, of a gun safe that meets the Section 23650 minimum safety  
5 standards developed by the California Attorney General.”  
6

7 (2) This warning shall be conspicuously displayed in its entirety  
8 on the principal display panel of the gun safe’s package, on any  
9 descriptive materials that accompany the gun safe, and on a label  
10 affixed to the front of the gun safe.

11 (3) This warning shall be displayed in both English and Spanish,  
12 in conspicuous and legible type in contrast by typography, layout,  
13 or color with other printed matter on the package or descriptive  
14 materials, in a manner consistent with Part 1500.121 of Title 16  
15 of the Code of Federal Regulations, or successor regulations  
16 thereto.

17 (e) Any firearm sold or transferred in this state by a licensed  
18 firearms dealer, including a private transfer through a dealer, a  
19 firearm returned to its owner by a dealer pursuant to Section 28270,  
20 and any firearm manufactured in this state, shall be accompanied  
21 by warning language or a label as described in Section 23640.

22 SEC. 5. Section 23690 of the Penal Code is amended to read:

23 23690. (a) (1) The Department of Justice may require each  
24 dealer to charge each firearm purchaser, transferee, or owner where  
25 a firearm is returned to its owner by a dealer pursuant to Section  
26 28270, a fee not to exceed one dollar (\$1) for each firearm  
27 transaction or return.

28 (2) The fee shall be for the purpose of supporting department  
29 program costs related to this act, including the establishment,  
30 maintenance, and upgrading of related database systems and public  
31 rosters.

32 (b) (1) There is hereby created within the General Fund the  
33 Firearm Safety Account.

34 (2) Revenue from the fee imposed by subdivision (a) shall be  
35 deposited into the Firearm Safety Account and shall be available  
36 for expenditure by the Department of Justice upon appropriation  
37 by the Legislature.

38 (3) Expenditures from the Firearm Safety Account shall be  
39 limited to program expenditures as defined by subdivision (a).

40 SEC. 6. Section 25560 of the Penal Code is amended to read:

1 25560. Section 25400 does not apply to, or affect, the  
2 transportation of a firearm by a person in order to utilize Section  
3 28000 or 28270 as it pertains to that firearm.

4 SEC. 7. Section 26379 of the Penal Code is repealed.

5 SEC. 8. Section 26379 is added to the Penal Code, to read:

6 26379. Paragraph (1) of subdivision (a) of Section 26350 does  
7 not apply to, or affect, the open carrying of an unloaded handgun  
8 incident to complying with Section 27560, 27565, 27850, 27875,  
9 27920, 27925, 28000, 28270, or 31725, as those sections pertain  
10 to that handgun.

11 SEC. 9. Section 26405 of the Penal Code is amended to read:

12 26405. Section 26400 does not apply to, or affect, the carrying  
13 of an unloaded firearm that is not a handgun in any of the following  
14 circumstances:

15 (a) By a person when carried within a place of business, a place  
16 of residence, or on private real property, if that person, by virtue  
17 of subdivision (a) of Section 25605, may carry a firearm within  
18 that place of business, place of residence, or on that private real  
19 property owned or lawfully occupied by that person.

20 (b) By a person when carried within a place of business, a place  
21 of residence, or on private real property, if done with the  
22 permission of a person who, by virtue of subdivision (a) of Section  
23 25605, may carry a firearm within that place of business, place of  
24 residence, or on that private real property owned or lawfully  
25 occupied by that person.

26 (c) When the firearm is either in a locked container or encased  
27 and it is being transported directly between places where a person  
28 is not prohibited from possessing that firearm and the course of  
29 travel shall include only those deviations between authorized  
30 locations as are reasonably necessary under the circumstances.

31 (d) If the person possessing the firearm reasonably believes that  
32 he or she is in grave danger because of circumstances forming the  
33 basis of a current restraining order issued by a court against another  
34 person or persons who has or have been found to pose a threat to  
35 his or her life or safety. This subdivision may not apply when the  
36 circumstances involve a mutual restraining order issued pursuant  
37 to Division 10 (commencing with Section 6200) of the Family  
38 Code absent a factual finding of a specific threat to the person's  
39 life or safety. Upon a trial for violating Section 26400, the trier of

1 fact shall determine whether the defendant was acting out of a  
2 reasonable belief that he or she was in grave danger.

3 (e) By a peace officer or an honorably retired peace officer if  
4 that officer may carry a concealed firearm pursuant to Article 2  
5 (commencing with Section 25450) of Chapter 2, or a loaded firearm  
6 pursuant to Article 3 (commencing with Section 25900) of Chapter  
7 3.

8 (f) By a person to the extent that person may openly carry a  
9 loaded firearm that is not a handgun pursuant to Article 4  
10 (commencing with Section 26000) of Chapter 3.

11 (g) As merchandise by a person who is engaged in the business  
12 of manufacturing, importing, wholesaling, repairing, or dealing in  
13 firearms and who is licensed to engage in that business, or the  
14 authorized representative or authorized agent of that person, while  
15 engaged in the lawful course of the business.

16 (h) By a duly authorized military or civil organization, or the  
17 members thereof, while parading or while rehearsing or practicing  
18 parading, when at the meeting place of the organization.

19 (i) By a member of a club or organization organized for the  
20 purpose of practicing shooting at targets upon established target  
21 ranges, whether public or private, while the members are using  
22 firearms that are not handguns upon the target ranges or incident  
23 to the use of a firearm that is not a handgun at that target range.

24 (j) By a licensed hunter while engaged in hunting or while  
25 transporting that firearm when going to or returning from that  
26 hunting expedition.

27 (k) Incident to transportation of a handgun by a person operating  
28 a licensed common carrier, or by an authorized agent or employee  
29 thereof, when transported in conformance with applicable federal  
30 law.

31 (l) By a member of an organization chartered by the Congress  
32 of the United States or a nonprofit mutual or public benefit  
33 corporation organized and recognized as a nonprofit tax-exempt  
34 organization by the Internal Revenue Service while on official  
35 parade duty or ceremonial occasions of that organization or while  
36 rehearsing or practicing for official parade duty or ceremonial  
37 occasions.

38 (m) Within a gun show conducted pursuant to Article 1  
39 (commencing with Section 27200) and Article 2 (commencing  
40 with Section 27300) of Chapter 3 of Division 6.



1 (n) Within a school zone, as defined in Section 626.9, with the  
2 written permission of the school district superintendent, the  
3 superintendent's designee, or equivalent school authority.

4 (o) When in accordance with the provisions of Section 171b.

5 (p) By a person while engaged in the act of making or attempting  
6 to make a lawful arrest.

7 (q) By a person engaged in firearms-related activities, while on  
8 the premises of a fixed place of business that is licensed to conduct  
9 and conducts, as a regular course of its business, activities related  
10 to the sale, making, repair, transfer, pawn, or the use of firearms,  
11 or related to firearms training.

12 (r) By an authorized participant in, or an authorized employee  
13 or agent of a supplier of firearms for, a motion picture, television,  
14 or video production or entertainment event, when the participant  
15 lawfully uses that firearm as part of that production or event, as  
16 part of rehearsing or practicing for participation in that production  
17 or event, or while the participant or authorized employee or agent  
18 is at that production or event, or rehearsal or practice for that  
19 production or event.

20 (s) Incident to obtaining an identification number or mark  
21 assigned for that firearm from the Department of Justice pursuant  
22 to Section 23910.

23 (t) At an established public target range while the person is  
24 using that firearm upon that target range.

25 (u) By a person when that person is summoned by a peace  
26 officer to assist in making arrests or preserving the peace, while  
27 the person is actually engaged in assisting that officer.

28 (v) Incident to complying with Section 27560, 27565, 27850,  
29 27875, 27920, 27925, 28000, 28270, or 31725, as those sections  
30 pertain to that handgun.

31 (w) Incident to, and in the course and scope of, training of, or  
32 by an individual to become a sworn peace officer as part of a course  
33 of study approved by the Commission on Peace Officer Standards  
34 and Training.

35 (x) Incident to, and in the course and scope of, training of, or  
36 by an individual to become licensed pursuant to Chapter 4  
37 (commencing with Section 26150) as part of a course of study  
38 necessary or authorized by the person authorized to issue the  
39 license pursuant to that chapter.

1 (y) Incident to and at the request of a sheriff, chief, or other  
2 head of a municipal police department.

3 (z) If all of the following conditions are satisfied:

4 (1) The open carrying occurs at an auction or similar event of  
5 a nonprofit public benefit or mutual benefit corporation at which  
6 firearms are auctioned or otherwise sold to fund the activities of  
7 that corporation or the local chapters of that corporation.

8 (2) The unloaded firearm that is not a handgun is to be auctioned  
9 or otherwise sold for that nonprofit public benefit or mutual benefit  
10 corporation.

11 (3) The unloaded firearm that is not a handgun is to be delivered  
12 by a person licensed pursuant to, and operating in accordance with,  
13 Sections 26700 to 26915, inclusive.

14 (aa) Pursuant to paragraph (3) of subdivision (b) of Section  
15 171c.

16 (ab) Pursuant to Section 171d.

17 (ac) Pursuant to subparagraph (F) of paragraph (1) of subdivision  
18 (c) of Section 171.7.

19 (ad) On publicly owned land, if the possession and use of an  
20 unloaded firearm that is not a handgun is specifically permitted  
21 by the managing agency of the land and the person carrying that  
22 firearm is in lawful possession of that firearm.

23 (ae) By any of the following:

24 (1) The carrying of an unloaded firearm that is not a handgun  
25 that is regulated pursuant to Chapter 1 (commencing with Section  
26 18710) of Division 5 of Title 2 by a person who holds a permit  
27 issued pursuant to Article 3 (commencing with Section 18900) of  
28 that chapter, if the carrying of that firearm is conducted in  
29 accordance with the terms and conditions of the permit.

30 (2) The carrying of an unloaded firearm that is not a handgun  
31 that is regulated pursuant to Chapter 2 (commencing with Section  
32 30500) of Division 10 by a person who holds a permit issued  
33 pursuant to Section 31005, if the carrying of that firearm is  
34 conducted in accordance with the terms and conditions of the  
35 permit.

36 (3) The carrying of an unloaded firearm that is not a handgun  
37 that is regulated pursuant to Chapter 6 (commencing with Section  
38 32610) of Division 10 by a person who holds a permit issued  
39 pursuant to Section 32650, if the carrying of that firearm is

1 conducted in accordance with the terms and conditions of the  
2 permit.

3 (4) The carrying of an unloaded firearm that is not a handgun  
4 that is regulated pursuant to Article 2 (commencing with Section  
5 33300) of Chapter 8 of Division 10 by a person who holds a permit  
6 issued pursuant to Section 33300, if the carrying of that firearm is  
7 conducted in accordance with the terms and conditions of the  
8 permit.

9 (af) By a licensed hunter while actually engaged in training a  
10 dog for the purpose of using the dog in hunting that is not  
11 prohibited by law, or while transporting the firearm while going  
12 to or returning from that training.

13 (ag) Pursuant to the provisions of subdivision (d) of Section  
14 171.5.

15 (ah) By a person who is engaged in the business of  
16 manufacturing ammunition and who is licensed to engage in that  
17 business, or the authorized representative or authorized agent of  
18 that person, while the firearm is being used in the lawful course  
19 and scope of the licensee's activities as a person licensed pursuant  
20 to Chapter 44 (commencing with Section 921) of Title 18 of the  
21 United States Code and regulations issued pursuant thereto.

22 (ai) On the navigable waters of this state that are held in public  
23 trust, if the possession and use of an unloaded firearm that is not  
24 a handgun is not prohibited by the managing agency thereof and  
25 the person carrying the firearm is in lawful possession of the  
26 firearm.

27 SEC. 10. Section 26825 of the Penal Code is amended to read:  
28 26825. A licensee shall agree to and shall act properly and  
29 promptly in processing firearms transactions pursuant to Chapter  
30 5 (commencing with Section 28050) and Section 28270.

31 SEC. 11. Section 26880 of the Penal Code is amended to read:  
32 26880. A licensee shall not misstate the amount of fees charged  
33 by a governmental agency pursuant to Section 12806, Chapter 5  
34 (commencing with Section 28050), Article 3 (commencing with  
35 Section 28200) of Chapter 6, and Section 28270.

36 SEC. 12. Section 26885 of the Penal Code is amended to read:  
37 26885. (a) Except as provided in subdivisions (b) and (c) of  
38 Section 26805, all firearms that are in the inventory of a licensee  
39 shall be kept within the licensed location.

(b) Within 48 hours of discovery, a licensee shall report the loss or theft of any of the following items to the appropriate law enforcement agency in the city, county, or city and county where the licensee's business premises are located:

(1) Any firearm that is merchandise of the licensee.

(2) Any firearm that the licensee takes possession of pursuant to Chapter 5 (commencing with Section 28050) or Section 28270.

(3) Any firearm kept at the licensee's place of business.

SEC. 13. Section 27520 of the Penal Code is amended to read:

27520. (a) A person, corporation, or dealer shall not acquire within this state or bring into this state a firearm for the purpose of selling, loaning, or transferring the firearm if the person, corporation, or dealer has either of the following:

(1) In the case of a dealer, intent to violate Section 27510 or 27540.

(2) In any other case, intent to avoid either of the following:

(A) The provisions of Section 27545.

(B) The requirements of any exemption to the provisions of Section 27545.

(b) The provisions of this section are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of this code shall not be punished under more than one provision.

SEC. 14. Section 27570 of the Penal Code is amended to read:

~~27570. (a) It is the intent of the Legislature that a violation of Section 27560 or 27565 committed on or after January 1, 2017, shall constitute a "continuing offense" and the statute of limitations for commencing a prosecution for a violation of Section 27560 or 27565 commences on the date that the applicable grace period specified in Section 27560 or 27565 expires.~~

~~(b)–~~

27570. (a) Sections 27560 and 27565 shall not apply to a person who reports ownership of a firearm after the applicable grace period specified in Section 27560 or 27565 expires if evidence of that violation arises only as the result of the person submitting the report described in Section 27560 or 27565.

~~(c) It is the intent of the Legislature that a violation of Section 27545 committed on or after January 1, 2017, shall constitute a "continuing offense" and a prosecution may be brought any time~~

1 after the violation of Section 27545 is committed or the applicable  
2 grace period as part of an exemption to Section 27545 expires.

3 ~~(d)~~

4 (b) Section 27545 shall not apply to a person who transfers a  
5 firearm to or receives a firearm from a dealer if the only evidence  
6 of violating that section arises as the result of information provided  
7 to the Department of Justice pursuant to Section 28270.

8 ~~(e)~~

9 (c) Section 27545 shall not apply to a person who reports  
10 ownership of a firearm after the applicable grace period specified  
11 in Article 2 (commencing with Section 27600) or Article 6  
12 (commencing with Section 2785) expires if the only evidence of  
13 violating that section arises as the result of the person submitting  
14 the report described in Article 2 (commencing with Section 27600)  
15 or Article 6 (commencing with Section 27850).

16 ~~(f) It is the intent of the Legislature that a violation of Section~~  
17 ~~27585 shall constitute a “continuing offense” and a prosecution~~  
18 ~~may be brought any time after the violation of Section 27585 is~~  
19 ~~committed or the applicable grace period as part of an exemption~~  
20 ~~to Section 27585 expires.~~

21 ~~(g)~~

22 (d) Section 27585 shall not apply to a person who transfers a  
23 firearm to or receives a firearm from a dealer if the only evidence  
24 of violating that section arises as the result of information provided  
25 to the Department of Justice pursuant to Section 28270.

26 ~~(h) Sections~~

27 (e) Section 27585 shall not apply to a person who reports  
28 ownership of a firearm after the applicable grace period for an  
29 exemption from Section 27585 expires if the only evidence of  
30 violating that section arises as the result of the person submitting  
31 the report that is subject to the grace period.

32 SEC. 15. Section 27590 of the Penal Code is amended to read:  
33 27590. (a) Except as provided in subdivision (b), (c), or (e),  
34 a violation of this article is a misdemeanor.

35 (b) If any of the following circumstances apply, a violation of  
36 this article is punishable by imprisonment pursuant to subdivision  
37 (h) of Section 1170 for two, three, or four years.

38 (1) If the violation is of subdivision (a) of Section 27500.

39 (2) If the defendant has a prior conviction of violating the  
40 provisions, other than Section 27535, Section 27560 involving a

1 firearm that is not a handgun, or Section 27565 involving a firearm  
2 that is not a handgun, of this article or former Section 12100 of  
3 this code, as Section 12100 read at any time from when it was  
4 enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to  
5 when it was repealed by Section 18 of Chapter 23 of the Statutes  
6 of 1994, or Section 8101 of the Welfare and Institutions Code.

7 (3) If the defendant has a prior conviction of violating any  
8 offense specified in Section 29905 or of a violation of Section  
9 32625 or 33410, or of former Section 12560, as that section read  
10 at any time from when it was enacted by Section 4 of Chapter 931  
11 of the Statutes of 1965 to when it was repealed by Section 14 of  
12 Chapter 9 of the Statutes of 1990, or of any provision listed in  
13 Section 16590.

14 (4) If the defendant is in a prohibited class described in Chapter  
15 2 (commencing with Section 29800) or Chapter 3 (commencing  
16 with Section 29900) of Division 9 of this title, or Section 8100 or  
17 8103 of the Welfare and Institutions Code.

18 (5) A violation of this article by a person who actively  
19 participates in a “criminal street gang” as defined in Section 186.22.

20 (6) A violation of Section 27510 involving the delivery of any  
21 firearm to a person who the dealer knows, or should know, is a  
22 minor.

23 (c) If any of the following circumstances apply, a violation of  
24 this article shall be punished by imprisonment in a county jail not  
25 exceeding one year or pursuant to subdivision (h) of Section 1170,  
26 or by a fine not to exceed one thousand dollars (\$1,000), or by  
27 both that fine and imprisonment.

28 (1) A violation of Section 27515, 27520, or subdivision (b) of  
29 Section 27500.

30 (2) A violation of Section 27505 involving the sale, loan, or  
31 transfer of a handgun *or a centerfire semiautomatic rifle* to a minor.

32 (3) A violation of Section 27510 involving the delivery of a  
33 ~~handgun~~ *handgun or a centerfire semiautomatic rifle*.

34 (4) A violation of subdivision (a), (c), (d), (e), or (f) of Section  
35 27540 involving a handgun.

36 (5) *A violation of subdivision (a), (c), (d), or (e) of Section 27540*  
37 *involving a centerfire semiautomatic rifle.*

38 ~~(5)~~

39 (6) A violation of Section 27545 involving a handgun or a  
40 centerfire semiautomatic rifle.

1     ~~(6)~~

2     (7) A violation of Section 27550.

3     ~~(7)~~

4     (8) A violation of Section 27560 committed on or after January  
5 1, 2017, involving a handgun or a centerfire semiautomatic rifle.

6     ~~(8)~~

7     (9) A violation of Section 27565 committed on or after January  
8 1, 2017, involving a handgun or a centerfire semiautomatic rifle.

9     ~~(9)~~

10    (10) A violation of Section 27585 involving a handgun or a  
11 centerfire semiautomatic rifle.

12    (d) If both of the following circumstances apply, an additional  
13 term of imprisonment pursuant to subdivision (h) of Section 1170  
14 for one, two, or three years shall be imposed in addition and  
15 consecutive to the sentence prescribed.

16    (1) A violation of Section 27510 or subdivision (b) of Section  
17 27500.

18    (2) The firearm transferred in violation of Section 27510 or  
19 subdivision (b) of Section 27500 is used in the subsequent  
20 commission of a felony for which a conviction is obtained and the  
21 prescribed sentence is imposed.

22    (e) (1) A first violation of Section 27535 is an infraction  
23 punishable by a fine of fifty dollars (\$50).

24    (2) A second violation of Section 27535 is an infraction  
25 punishable by a fine of one hundred dollars (\$100).

26    (3) A third or subsequent violation of Section 27535 is a  
27 misdemeanor.

28    (4) For purposes of this subdivision each application to purchase  
29 a handgun in violation of Section 27535 shall be deemed a separate  
30 offense.

31    ~~SEC. 16. Section 28000 of the Penal Code is amended to read:~~

32    ~~28000. (a) A person who is exempt from Section 27545 or is~~  
33 ~~otherwise not required by law to report acquisition, ownership,~~  
34 ~~destruction, or disposal of a firearm, or who moves out of this state~~  
35 ~~with the person's firearm, may report that information to the~~  
36 ~~Department of Justice in a format prescribed by the department.~~

37    ~~(b) A firearm that is reported pursuant to subdivision (a) shall~~  
38 ~~not be entered into the registry specified in Section 11106 as being~~  
39 ~~registered to the person making the report if any of the following~~  
40 ~~apply:~~

1     ~~(1) The person is prohibited by state or federal law from~~  
2     ~~possessing, receiving, owning, or purchasing a firearm.~~

3     ~~(2) All fees required by paragraph (3) of subdivision (a) of~~  
4     ~~Section 28230 have not been paid.~~

5     ~~(3) The firearm is any of the following:~~

6     ~~(A) Prohibited by Section 16590.~~

7     ~~(B) An assault weapon as defined in Section 30510 or 30515.~~

8     ~~(C) A machinegun as defined in Section 16880.~~

9     ~~(D) A .50 BMG rifle as defined in Section 30530.~~

10    ~~(E) A destructive device as defined in Section 16460.~~

11    ~~(4) The person is a minor.~~

12    ~~(5) The firearm has been reported lost or stolen pursuant to~~  
13    ~~Section 11108.~~

14    ~~SEC. 17.~~

15    ~~SEC. 16.~~ Section 28160 of the Penal Code is amended to read:

16    28160. (a) For all firearms, the register or record of electronic  
17    transfer shall include all of the following information:

18    (1) The date and time of sale.

19    (2) The make of firearm.

20    (3) Peace officer exemption status pursuant to the provisions  
21    listed in subdivision (c) of Section 16585, and the agency name.

22    (4) Any applicable waiting period exemption information.

23    (5) California Firearms Dealer number issued pursuant to Article  
24    1 (commencing with Section 26700) of Chapter 2.

25    (6) For transactions occurring on or after January 1, 2003, the  
26    purchaser's handgun safety certificate number issued pursuant to  
27    Article 2 (commencing with Section 31610) of Chapter 4 of  
28    Division 10 of this title, or pursuant to former Article 8  
29    (commencing with Section 12800) of Chapter 6 of Title 2 of Part  
30    4, as that article read at any time from when it became operative  
31    on January 1, 2003, to when it was repealed by the Deadly  
32    Weapons Recodification Act of 2010.

33    (7) Manufacturer's name if stamped on the firearm.

34    (8) Model name or number, if stamped on the firearm.

35    (9) Serial number, if applicable.

36    (10) Other number, if more than one serial number is stamped  
37    on the firearm.

38    (11) Any identification number or mark assigned to the firearm  
39    pursuant to Section 23910.



- 1 (12) If the firearm is not a handgun and does not have a serial
- 2 number, identification number, or mark assigned to it, a notation
- 3 as to that fact.
- 4 (13) Caliber.
- 5 (14) Type of firearm.
- 6 (15) If the firearm is new or used.
- 7 (16) Barrel length.
- 8 (17) Color of the firearm.
- 9 (18) Full name of purchaser.
- 10 (19) Purchaser's complete date of birth.
- 11 (20) Purchaser's local address.
- 12 (21) If current address is temporary, complete permanent address
- 13 of purchaser.
- 14 (22) Identification of purchaser.
- 15 (23) Purchaser's place of birth (state or country).
- 16 (24) Purchaser's complete telephone number.
- 17 (25) Purchaser's occupation.
- 18 (26) Purchaser's gender.
- 19 (27) Purchaser's physical description.
- 20 (28) All legal names and aliases ever used by the purchaser.
- 21 (29) Yes or no answer to questions that prohibit purchase,
- 22 including, but not limited to, conviction of a felony as described
- 23 in Chapter 2 (commencing with Section 29800) or an offense
- 24 described in Chapter 3 (commencing with Section 29900) of
- 25 Division 9 of this title, the purchaser's status as a person described
- 26 in Section 8100 of the Welfare and Institutions Code, whether the
- 27 purchaser is a person who has been adjudicated by a court to be a
- 28 danger to others or found not guilty by reason of insanity, and
- 29 whether the purchaser is a person who has been found incompetent
- 30 to stand trial or placed under conservatorship by a court pursuant
- 31 to Section 8103 of the Welfare and Institutions Code.
- 32 (30) Signature of purchaser.
- 33 (31) Signature of salesperson, as a witness to the purchaser's
- 34 signature.
- 35 (32) Salesperson's certificate of eligibility number, if the
- 36 salesperson has obtained a certificate of eligibility.
- 37 (33) Name and complete address of the dealer or firm selling
- 38 the firearm as shown on the dealer's license.
- 39 (34) The establishment number, if assigned.
- 40 (35) The dealer's complete business telephone number.

1 (36) Any information required by Chapter 5 (commencing with  
2 Section 28050) or Section 28270 or 29830.

3 (37) Any information required to determine whether subdivision  
4 (f) of Section 27540 applies.

5 (38) A statement of the penalties for signing a fictitious name  
6 or address, knowingly furnishing any incorrect information, or  
7 knowingly omitting any information required to be provided for  
8 the register.

9 (39) A statement informing the purchaser, after his or her  
10 ownership of a firearm, of all of the following:

11 (A) Upon his or her application, the Department of Justice shall  
12 furnish him or her any information reported to the department as  
13 it relates to his or her ownership of that firearm.

14 (B) The purchaser is entitled to file a report of his or her  
15 acquisition, disposition, or ownership of a firearm with the  
16 department pursuant to Section 28000.

17 (C) Instructions for accessing the department's Internet Web  
18 site for more information.

19 (40) For transactions on and after January 1, 2015, the  
20 purchaser's firearm safety certificate number, except that in the  
21 case of a handgun, the number from an unexpired handgun safety  
22 certificate may be used.

23 (b) The purchaser shall provide the purchaser's right thumbprint  
24 on the register in a manner prescribed by the department. No  
25 exception to this requirement shall be permitted except by  
26 regulations adopted by the department.

27 (c) The firearms dealer shall record on the register or record of  
28 electronic transfer the date that the firearm is delivered, together  
29 with the firearm dealer's signature indicating delivery of the  
30 firearm.

31 (d) The purchaser shall sign the register or the record of  
32 electronic transfer on the date that the firearm is delivered to him  
33 or her.

34 ~~SEC. 18.~~

35 *SEC. 17.* Section 28200 of the Penal Code is amended to read:  
36 28200. As used in this article, the following words have the  
37 following meanings:

38 (a) "Purchase" means the purchase, loan, transfer, or return of  
39 a firearm.

1 (b) “Purchaser” means the purchaser or transferee of a firearm  
2 or the person being loaned a firearm, or to whom a firearm is being  
3 returned.

4 (c) “Sale” means the sale, loan, return, or transfer of a firearm.

5 (d) “Seller” means, if the transaction is being conducted pursuant  
6 to Chapter 5 (commencing with Section 28050), the person selling,  
7 loaning, or transferring the firearm.

8 ~~SEC. 19.~~

9 *SEC. 18.* Article 3.5 (commencing with Section 28270) is added  
10 to Chapter 6 of Division 6 of Title 4 of Part 6 of the Penal Code,  
11 to read:

12  
13 Article 3.5. Specialized Procedures for the Return of Firearms

14  
15 28270. (a) This section only applies to the following:

16 (1) A person who acquired ownership of a firearm and the  
17 acquisition violated Section 27545.

18 (2) A person who acquired ownership of a firearm and the  
19 importation of the firearm into this state violated Section 27585.

20 (b) Any person who is described in subdivision (a) shall deliver  
21 the firearm to a firearms dealer who shall take possession of that  
22 firearm.

23 (c) A firearms dealer shall notify the Department of Justice of  
24 the date of taking possession of the firearm pursuant to subdivision  
25 (a).

26 (d) The dealer shall return the firearm or firearms initially  
27 delivered to him or her pursuant to subdivision (b) to the prior  
28 owner of that firearm in accordance with the procedures set forth  
29 in Section 27540 and Article 1 (commencing with Section 26700)  
30 and Article 2 (commencing with Section 26800) of Chapter 2.

31 (e) If the dealer is prohibited from lawfully returning the firearm  
32 to the prior owner, the dealer shall deliver the firearm to the sheriff  
33 of the county or the chief of police or other head of a municipal  
34 police department of any city or city and county, who shall then  
35 dispose of the firearm in the manner provided by Section 18000,  
36 18005, or 34000.

37 (f) The person who utilizes this section may be required by the  
38 dealer to pay a fee not to exceed ten dollars (\$10) per firearm.

39 (g) No other fee shall be charged by the dealer for the sale, loan,  
40 or transfer of a firearm conducted pursuant to this chapter, except

1 for the applicable fees that may be charged pursuant to Sections  
2 23690 and 28300 and Article 3 (commencing with Section 28200)  
3 and forwarded to the Department of Justice, and the fees set forth  
4 in Section 31650.

5 (h) The dealer shall not charge any fees except for those set  
6 forth in subdivisions (f) and (g).

7 (i) Nothing in this section shall prevent a dealer from charging  
8 a smaller fee than set forth in subdivision (f).

9 (j) The Attorney General shall adopt regulations under this  
10 section that as closely as possible follow the procedure as set forth  
11 in Chapter 5 (commencing with Section 28050) and to allow the  
12 dealer and the owner of the firearm to comply with the  
13 requirements of this section.

14 (k) A dealer who does not sell, transfer, or keep an inventory  
15 of handguns is not required to process a transaction for a handgun  
16 pursuant to this section.

17 (l) A violation of this section by a dealer is a misdemeanor.

18 28275. (a) Section 27545 does not apply to the receipt,  
19 purchase, or other acquisition of ownership of a firearm if both of  
20 the following conditions apply:

21 (1) The firearm is reported to the Department of Justice pursuant  
22 to subdivision (c) of Section 28270.

23 (2) The firearm is returned pursuant to subdivision (d) of Section  
24 28270.

25 (b) Subdivision (a) of Section 27585 does not apply to the  
26 acquisition of ownership of a firearm where both of the following  
27 conditions apply:

28 (1) The firearm is reported to the Department of Justice pursuant  
29 to subdivision (c) of Section 28270.

30 (2) The firearm is returned pursuant to subdivision (d) of Section  
31 28270.

32 ~~SEC. 20.~~

33 *SEC. 19.* Section 31700 of the Penal Code is amended to read:

34 31700. (a) The following persons, properly identified, are  
35 exempted from the firearm safety certificate requirement in  
36 subdivision (a) of Section 31615:

37 (1) Any active or honorably retired peace officer, as defined in  
38 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

39 (2) Any active or honorably retired federal officer or law  
40 enforcement agent.

1 (3) Any reserve peace officer, as defined in Section 832.6.

2 (4) Any person who has successfully completed the course of  
3 training specified in Section 832.

4 (5) A firearms ~~dealer~~ *dealer licensed pursuant to Sections 26700*  
5 *to 26915, inclusive, who is acting in the course and scope of that*  
6 *person's activities as a person licensed pursuant to Section 26700*  
7 *to 26915, inclusive.*

8 (6) A federally licensed collector who is acquiring or being  
9 loaned a firearm that is a curio or relic, as defined in Section 478.11  
10 of Title 27 of the Code of Federal Regulations, who has a current  
11 certificate of eligibility issued by the department pursuant to  
12 Section 26710.

13 (7) Except where the firearm is being returned pursuant to  
14 Section 28270, a person to whom a firearm is being returned, where  
15 the person receiving the firearm is the owner of the firearm.

16 (8) A family member of a peace officer or deputy sheriff from  
17 a local agency who receives a firearm pursuant to Section 50081  
18 of the Government Code.

19 (9) Any individual who has a valid concealed weapons permit  
20 issued pursuant to Chapter 4 (commencing with Section 26150)  
21 of Division 5.

22 (10) An active or honorably retired member of the United States  
23 Armed Forces, the National Guard, the Air National Guard, or the  
24 active reserve components of the United States, where individuals  
25 in those organizations are properly identified. For purposes of this  
26 section, proper identification includes the Armed Forces  
27 Identification Card or other written documentation certifying that  
28 the individual is an active or honorably retired member.

29 (11) Any person who is authorized to carry loaded firearms  
30 pursuant to Section 26025 or 26030.

31 (12) Persons who are the holders of a special weapons permit  
32 issued by the department pursuant to Section 32650 or 33300,  
33 pursuant to Article 3 (commencing with Section 18900) of Chapter  
34 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing  
35 with Section 32700) of Chapter 6 of this division.

36 (b) The following persons who take title or possession of a  
37 firearm by operation of law in a representative capacity, until or  
38 unless they transfer title ownership of the firearm to themselves  
39 in a personal capacity, are exempted from the firearm safety  
40 certificate requirement in subdivision (a) of Section 31615:

1 (1) The executor or administrator of an estate.

2 (2) A secured creditor or an agent or employee thereof when  
3 the firearms are possessed as collateral for, or as a result of, or an  
4 agent or employee thereof when the firearms are possessed as  
5 collateral for, or as a result of, a default under a security agreement  
6 under the Commercial Code.

7 (3) A levying officer, as defined in Section 481.140, 511.060,  
8 or 680.260 of the Code of Civil Procedure.

9 (4) A receiver performing the functions of a receiver.

10 (5) A trustee in bankruptcy performing the duties of a trustee.

11 (6) An assignee for the benefit of creditors performing the  
12 functions of an assignee.

13 (c) A person, validly identified, who has been issued a valid  
14 hunting license that is unexpired or that was issued for the hunting  
15 season immediately preceding the calendar year in which the person  
16 takes title of possession of a firearm is exempt from the firearm  
17 safety certificate requirement in subdivision (a) of Section 31615,  
18 except as to handguns.

19 (d) This section shall become operative on January 1, 2015.

20 ~~SEC. 21:~~

21 *SEC. 20.* Section 32110 of the Penal Code is amended to read:

22 32110. Article 4 (commencing with Section 31900) and Article  
23 5 (commencing with Section 32000) shall not apply to any of the  
24 following:

25 (a) The sale, loan, or transfer of any firearm pursuant to Chapter  
26 5 (commencing with Section 28050) of Division 6 in order to  
27 comply with Section 27545.

28 (b) The sale, loan, or transfer of any firearm that is exempt from  
29 the provisions of Section 27545 pursuant to any applicable  
30 exemption contained in Article 2 (commencing with Section 27600)  
31 or Article 6 (commencing with Section 27850) of Chapter 4 of  
32 Division 6, if the sale, loan, or transfer complies with the  
33 requirements of that applicable exemption to Section 27545.

34 (c) The sale, loan, or transfer of any firearm as described in  
35 paragraph (3) of subdivision (b) of Section 32000.

36 (d) The delivery of a handgun to a dealer *licensed pursuant to*  
37 *Sections 26700 to 26915, inclusive*, for the purposes of the service  
38 or repair of that firearm.

39 (e) The return of a handgun by a dealer *licensed pursuant to*  
40 *Sections 26700 to 26915, inclusive*, to its owner where that firearm

1 was initially delivered in the circumstances set forth in subdivision  
2 (a), (d), (f), (i), (l), or (m).

3 (f) The delivery of a handgun to a dealer *licensed pursuant to*  
4 *Sections 26700 to 26915, inclusive*, for the purpose of a  
5 consignment sale or as collateral for a pawnbroker loan.

6 (g) The sale, loan, or transfer of any handgun listed as a curio  
7 or relic, as defined in Section 478.11 of Title 27 of the Code of  
8 Federal Regulations.

9 (h) The sale, loan, or transfer of any semiautomatic pistol that  
10 is to be used solely as a prop during the course of a motion picture,  
11 television, or video production by an authorized participant therein  
12 in the course of making that production or event or by an authorized  
13 employee or agent of the entity producing that production or event.

14 (i) The delivery of a handgun to a dealer *licensed pursuant to*  
15 *Sections 26700 to 26915, inclusive*, where the firearm is being  
16 loaned by the dealer to a consultant-evaluator.

17 (j) The delivery of a handgun by a dealer *licensed pursuant to*  
18 *Sections 26700 to 26915, inclusive*, where the firearm is being  
19 loaned by the dealer to a consultant-evaluator.

20 (k) The return of a handgun to a dealer *licensed pursuant to*  
21 *Sections 26700 to 26915, inclusive*, where it was initially delivered  
22 pursuant to subdivision (j).

23 (l) The delivery of a handgun to a dealer *licensed pursuant to*  
24 *Sections 26700 to 26915, inclusive*, pursuant to Section 29830.

25 (m) The delivery of a handgun to a dealer *licensed pursuant to*  
26 *Sections 26700 to 26915, inclusive*, pursuant to Section 28270.

27 ~~SEC. 22.~~

28 *SEC. 21.* No reimbursement is required by this act pursuant to  
29 Section 6 of Article XIII B of the California Constitution because  
30 the only costs that may be incurred by a local agency or school  
31 district will be incurred because this act creates a new crime or  
32 infraction, eliminates a crime or infraction, or changes the penalty  
33 for a crime or infraction, within the meaning of Section 17556 of  
34 the Government Code, or changes the definition of a crime within  
35 the meaning of Section 6 of Article XIII B of the California  
36 Constitution.